



Docket No. WP 2001.00

AF/ 1615  
120

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on this date July 19, 2004.

By: July 17, 2004

Peggy Nichols

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

David FIKSTAD

U.S. Appl. No.: 09/871,318

Filing Date: May 31, 2001

For: TRANSDERMAL DELIVERY OF  
LASOFOXIFENE

Examiner: Young, MP

Art Unit: 1615

JUL 29 2004

CENTER 1600/2900

**STATUS INQUIRY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Applicant respectfully requests the Patent Office to notify Applicants' undersigned attorney of the current status of this application. The last action in this application was a Communication Forwarding Copy of Amendment and Response to Final Office Action Filed September 2, 2003 (copy attached). To date we have not received a response from the Patent Office in connection with this Amendment and Response.

The undersigned may be reached by telephone at (650) 849-4950 or by facsimile at (650) 849-4800.

Respectfully submitted,

Dated: July 18, 2004

By: Antoinette F. Konski

Antoinette F. Konski  
Reg. No. 34,202

Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/871,318	
	Filing Date	May 31, 2001	
	First Named Inventor	David Fikstad	
	Art Unit	1615	
	Examiner Name	Young, MP	
Total Number of Pages in This Submission	14	Attorney Docket Number	WP 2001.00

JUL 29 2004

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**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☒ Status Letter☒ Other Enclosure(s)  
(please identify below):Copy of Communication  
Forwarding Copy of Amendment  
and Response to Final Office  
Filed September 2, 2003 and  
Return Receipt Postcard

Remarks

JUL 29 2004

m/2900

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

or  
Individual name

Bingham McCutchen LLP

Antoinette F. Konski

Signature

Date

  
July 18, 2004**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Attn: Mail Stop Sequence Listing, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Peggy Nichols

Signature

Date

July 19, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/871,318	
	Filing Date	May 31, 2001	
	First Named Inventor	David Fikstad	
	Art Unit	1615	
	Examiner Name	Young, MP	
Total Number of Pages in This Submission	12	Attorney Docket Number	WP 2001.00

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Communication Forwarding Copy of Amendment and Response to Final Office Action Filed September 2, 2003.</b>
Remarks		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Bingham McCutchen LLP Antoinette F. Konski	
Signature	<i>Antoinette Konski</i>	
Date	March 24, 2004	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO Attn. Examiner Young at fax No. (703) 872-9306 on the date shown below.			
Typed or printed name	Peggy Nichols		
Signature	<i>Peggy Nichols</i>	Date	March 24, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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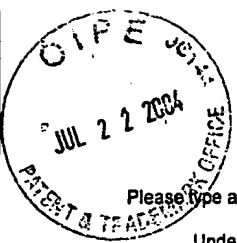
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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

8

Application Number

09/871,318

Filing Date

May 31, 2001

First Named Inventor

David Fikstad

Group Art Unit

1615

Examiner Name

Young, MP

Attorney Docket No.

WP 2001.00

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

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☐ Affidavits/declarations

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Incomplete Application

☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53

☐ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

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Provisional Application

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(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify  
below):

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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

or

Individual Name

Antoinette F. Konski  
Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111

Signature

*Antoinette F. Konski*

Date

*Sept. 2, 2003*

## CERTIFICATE OF TRANSMISSION

I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Attn: Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450

September 2, 2003

*Peggy Nichols*

Peggy Nichols

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

☐ Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Attn: , P.O. Box 1450, Alexandria, VA 22313-1450.

☒ Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to Facsimile No. (703) 872-9306.

Dated: March 24, 2004

Name of Person Certifying: Peggy Nichols

Printed Name:

Peggy Nichols

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Fikstad, et al.

Assignee: Watson Pharmaceuticals, Inc.

Filing Date: May 31, 2001

Examiner: Young, MP

Serial No.: 09/871,318

Group Art Unit: 1615

Title: TRANSDERMAL DELIVERY OF LASOFOXIFENE

**COMMUNICATION FORWARDING COPY OF AMENDMENT AND RESPONSE  
TO FINAL OFFICE ACTION FILED SEPTEMBER 2, 2003**

Mail Stop AF  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in reply to the Examiner's Request for a fax copy of the Amendment submitted in response to the Decision on Petition issued July 2, 2003 (which enclosed a copy of the Final Office Action of November 5, 2002) by the U.S. Patent and Trademark Office withdrawing the holding of abandonment. Also enclosed is a copy of the postcard receipt showing the U.S. Patent Office mailroom stamp indicating a date of receipt of the original documents on September 4, 2003.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing attorney docket no.7009742001.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: March 24, 2004

By:



Antoinette F. Konski

Reg. No. 34,202

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Date Delivered

September 2, 2003

Due Date:  
Docket No./  
Billing No.:

September 2, 2003  
WP 2001.00  
7009742001

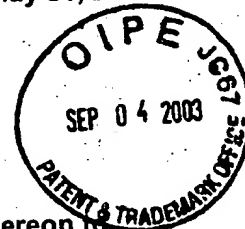
afk/pn

Applicant(s): David Fikstad, et al.  
Title: Transdermal Delivery of Lasofoxifene  
Serial No.: 09/871,318

Filing Date:

May 31, 2001

Mail Stop AF  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



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2. Amendment and Response to Final Office Action and
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